

BY: Madla et al. J. J. Dunge S.B. No. 268  
(Madla, et al.) Shapleigh Frost  
A BILL TO BE ENTITLED  
AN ACT

relating to the repeal of the statutory provision governing the powers and duties of the Rio Grande watermaster and the delivery of water down the banks and bed of the Rio Grande.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 11.3271, Water Code, as added by Chapters 281 and 385, Acts of the 78th Legislature, Regular Session, 2003, is repealed.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2005.

## **BILL ANALYSIS**

Senate Research Center  
79R1513 QS-D

S.B. 268  
By: Madla et al.  
Natural Resources  
2/22/2005  
As Filed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

During the 78th Legislature, Regular Session, Subchapter G, Chapter 11, Water Code, was amended by the addition of Section 11.3271. The amendment clarified that the Rio Grande watermaster has authority, pursuant to rules prescribed by the Texas Commission on Environmental Quality, to use the Rio Grande River as a means to transport groundwater sold to a downstream user.

Permitting such water use would contradict future conservation and best management practices as the state continues to encourage conservation as a strategy to meet future water needs. As proposed, S.B. 268 repeals Section 11.3271, Water Code.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Repealer: Section 11.3271 (Powers and Duties of Rio Grande Watermaster; Delivery of Water Down Banks and Bed of Rio Grande), Water Code, as added by Chapters 281 and 385, Acts of the 78th Legislature, Regular Session, 2003.

SECTION 2. Effective date: upon passage or September 1, 2005.

1-1 By: Madla, et al. S.B. No. 268  
1-2 (In the Senate - Filed January 25, 2005; February 3, 2005,  
1-3 read first time and referred to Committee on Natural Resources;  
1-4 March 21, 2005, reported favorably by the following vote: Yeas 7,  
1-5 Nays 0; March 21, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the repeal of the statutory provision governing the  
1-9 powers and duties of the Rio Grande watermaster and the delivery of  
1-10 water down the banks and bed of the Rio Grande.

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1-14 Session, 2003, is repealed.

1-15 SECTION 2. This Act takes effect immediately if it receives  
1-16 a vote of two-thirds of all the members elected to each house, as  
1-17 provided by Section 39, Article III, Texas Constitution. If this  
1-18 Act does not receive the vote necessary for immediate effect, this  
1-19 Act takes effect September 1, 2005.

1-20 \* \* \* \* \*

FAVORABLE  
SENATE COMMITTEE REPORT ON

SB SCR SJR SR HB HCR HJR 268  
By Madla  
(Author/Senate Sponsor)  
3/21/05  
(date)

We, your Committee on NATURAL RESOURCES, to which was referred the attached measure,  
have on 3/15/05, had the same under consideration and I am instructed to report it  
(date of hearing)  
back with the recommendation (s) that it:

☒ do pass and be printed

☐ do pass and be ordered not printed

☒ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☒ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Armbrister, Chair	<input checked="" type="checkbox"/>			
Senator Jackson, Vice-Chair	<input checked="" type="checkbox"/>			
Senator Barrientos	<input checked="" type="checkbox"/>			
Senator Duncan	<input checked="" type="checkbox"/>			
Senator Estes	<input checked="" type="checkbox"/>			
Senator Fraser	<input checked="" type="checkbox"/>			
Senator Hinojosa			<input checked="" type="checkbox"/>	
Senator Lindsay			<input checked="" type="checkbox"/>	
Senator Madla	<input checked="" type="checkbox"/>			
Senator Seliger			<input checked="" type="checkbox"/>	
Senator Staples			<input checked="" type="checkbox"/>	
TOTAL VOTES	7	0	4	0

COMMITTEE ACTION

S269 Considered in public hearing  
S270 Testimony taken

Kelly C. Michael  
COMMITTEE CLERK

[Signature]  
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill  
Retain one copy of this form for Committee files

WITNESS LIST

SB 268

SENATE COMMITTEE REPORT

Natural Resources

March 15, 2005 - 2:30PM

Registering, but not testifying:

For: Kelly, Mary E. Attorney (Environmental Defense), Austin, TX

Stephens, V.A. (Brewster County Groundwater Conservation District), Austin, TX

## **BILL ANALYSIS**

Senate Research Center  
79R1513 QS-D

S.B. 268  
By: Madla et al.  
Natural Resources  
2/22/2005  
As Filed

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Permitting such water use would contradict future conservation and best management practices as the state continues to encourage conservation as a strategy to meet future water needs. As proposed, S.B. 268 repeals Section 11.3271, Water Code.

### **RULEMAKING AUTHORITY**

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SECTION 1. Repealer: Section 11.3271 (Powers and Duties of Rio Grande Watermaster; Delivery of Water Down Banks and Bed of Rio Grande), Water Code, as added by Chapters 281 and 385, Acts of the 78th Legislature, Regular Session, 2003.

SECTION 2. Effective date: upon passage or September 1, 2005.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**March 14, 2005**

**TO:** Honorable Kenneth Armbrister, Chair, Senate Committee on Natural Resources

**FROM:** John S. O'Brien, Deputy Director, Legislative Budget Board

**IN RE: SB268** by Madla (Relating to the repeal of the statutory provision governing the powers and duties of the Rio Grande watermaster and the delivery of water down the banks and bed of the Rio Grande.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
---

The bill would delete provisions in the Water Code which require the Rio Grande Watermaster to administer "bed and banks" permits for water pumped from an underground reservoir, transported via the Rio Grande River, and then stored in a downstream reservoir for delivery to a purchaser further downstream. It also would delete provisions requiring the Rio Grande Watermaster to serve as the official recorder for all instruments, including deeds, deeds of trust, financing statements, security agreements, and liens, that the Texas Commission on Environmental Quality (TCEQ) authorizes or requires to be filed in connection with water rights relating to water in the lower, middle, or upper basin of the Rio Grande that are subject to a permit, certified filing, or certificate of adjudication. The TCEQ does not expect any significant cost or savings associated with the bill's passage.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 580 Water Development Board, 582 Commission on Environmental Quality

**LBB Staff:** JOB, WK, ZS, TL, DLBa

## REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

SENATOR CHRIS HARRIS, CHAIRMAN  
SENATE COMMITTEE ON ADMINISTRATION

Notice is hereby given that SB 268, by Madla,  
(Bill No.) (Author/Sponsor)  
was heard by the Committee on Natural Resources on 3/15, 2005,  
and reported out with the recommendation that it be placed on the Local and Uncontested Calendar.

Kelly C. Melhart  
(Clerk of the reporting committee)

**IMPORTANT: A COPY OF THIS FORM MUST BE ATTACHED TO A COMMITTEE PRINTED VERSION OF THE BILL OR RESOLUTION AND SHOULD BE DELIVERED TO THE ADMINISTRATION COMMITTEE OFFICE, E1.714. DEADLINES FOR SUBMITTING BILLS AND RESOLUTIONS WILL BE ANNOUNCED ON A REGULAR BASIS.**



Engrossed March 31, 2005  
Mardi Alexander  
Engrossing Clerk

I certify this to be a true and correct  
copy of the indicated document as  
referred or transmitted to committee.

Chief Clerk of the House

By: Madla, et al.  
(Puente)

S.B. No. 268

A BILL TO BE ENTITLED

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provided by Section 39, Article III, Texas Constitution. If this  
Act does not receive the vote necessary for immediate effect, this  
Act takes effect September 1, 2005.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**March 14, 2005**

**TO:** Honorable Kenneth Armbrister, Chair, Senate Committee on Natural Resources

**FROM:** John S. O'Brien, Deputy Director, Legislative Budget Board

**IN RE: SB268** by Madla (Relating to the repeal of the statutory provision governing the powers and duties of the Rio Grande watermaster and the delivery of water down the banks and bed of the Rio Grande.), **As Introduced**

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**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 580 Water Development Board, 582 Commission on Environmental Quality

**LBB Staff:** JOB, WK, ZS, TL, DLBa

# HOUSE COMMITTEE REPORT

05 MAY 21 AM 12: 27  
HOUSE OF REPRESENTATIVES

1<sup>st</sup> Printing

By: Madla, et al.  
(Puente)

S.B. No. 268

A BILL TO BE ENTITLED

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SECTION 1. Section 11.3271, Water Code, as added by Chapters 281 and 385, Acts of the 78th Legislature, Regular Session, 2003, is repealed.

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# COMMITTEE REPORT

The Honorable Tom Craddick  
Speaker of the House of Representatives

5/20/05  
(date)

Sir:

We, your COMMITTEE ON NATURAL RESOURCES

to whom was referred SB 208 have had the same under consideration and beg to report back with the recommendation that it

- ☒ do pass, without amendment.  
☐ do pass, with amendment(s).  
☐ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.  
☐ yes ☒ no A fiscal note was requested.  
☐ yes ☒ no A criminal justice policy impact statement was requested.  
☐ yes ☒ no An equalized educational funding impact statement was requested.  
☐ yes ☒ no An actuarial analysis was requested.  
☐ yes ☒ no A water development policy impact statement was requested.  
☐ yes ☒ no A tax equity note was requested.  
☐ The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor Puente

Joint Sponsors: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Co-Sponsors: \_\_\_\_\_

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Puente, Chair	X			
Callegari, Vice-chair	X			
Bonnen	X			
Campbell	X			
Geren	X			
Hardcastle	X			
Hilderbran	X			
Hope	X			
Laney	X			

Total

9 aye  
0 nay  
0 present, not voting  
0 absent

MAHNT  
CHAIR

## **BILL ANALYSIS**

S.B. 268  
By: Madla  
Natural Resources  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

During the 78th Legislature, Regular Session, Subchapter G, Chapter 11, Water Code, was amended by the addition of Section 11.3271. The amendment clarified that the Rio Grande watermaster has authority, pursuant to rules prescribed by the Texas Commission on Environmental Quality, to use the Rio Grande River as a means to transport groundwater sold to a downstream user.

Permitting such water use would contradict future conservation and best management practices as the state continues to encourage conservation as a strategy to meet future water needs. As proposed, S.B. 268 repeals Section 11.3271, Water Code.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

SECTION 1. Repealer: Section 11.3271 (Powers and Duties of Rio Grande Watermaster; Delivery of Water Down Banks and Bed of Rio Grande), Water Code, as added by Chapters 281 and 385, Acts of the 78th Legislature, Regular Session, 2003.

SECTION 2. Effective date: upon passage or September 1, 2005.

### **EFFECTIVE DATE**

Upon passage or September 1, 2005.

# SUMMARY OF COMMITTEE ACTION

SB 268

May 20, 2005

upon final adjourn./recess

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Considered in formal meeting

Reported favorably without amendment(s)

2

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**March 14, 2005**

**TO:** Honorable Kenneth Armbrister, Chair, Senate Committee on Natural Resources

**FROM:** John S. O'Brien, Deputy Director, Legislative Budget Board

**IN RE: SB268** by Madla (Relating to the repeal of the statutory provision governing the powers and duties of the Rio Grande watermaster and the delivery of water down the banks and bed of the Rio Grande.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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**Source Agencies:** 580 Water Development Board, 582 Commission on Environmental Quality

**LBB Staff:** JOB, WK, ZS, TL, DLBa

S.B. No. 268

By M. J. P. J.

A BILL TO BE ENTITLED

AN ACT:

relating to the repeal of the statutory provision governing the powers and duties of the Rio Grande watermaster and the delivery of water down the banks and bed of the Rio Grande.

JAN 25 2005 Filed with the Secretary of the Senate  
FEB 03 2005 Read and referred to Committee on NATURAL RESOURCES  
MAR 21 2005 Reported favorably \_\_\_\_\_  
Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.  
Ordered not printed  
MAR 31 2005 Laid before the Senate  
Senate and Constitutional Rules to permit consideration suspended by: { unanimous consent  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays  
MAR 31 2005 Read second time, \_\_\_\_\_, and ordered engrossed by: { ~~unanimous consent~~  
a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays  
MAR 31 2005 Senate and Constitutional 3 Day Rule suspended by a vote of 30 yeas, 0 nays.  
MAR 31 2005 Read third time, \_\_\_\_\_, and passed by: { ~~A viva voce vote~~  
30 yeas, 0 nays

Secretary of the Senate  
SECRETARY OF THE SENATE

OTHER ACTION:

March 31, 2005 Engrossed  
\_\_\_\_\_  
Sent to House

Engrossing Clerk Mardi Alford

MAR 31 2005 Received from the Senate  
APR 04 2005 Read first time and referred to Committee on Natural Resources  
MAY 20 2005 Reported \_\_\_\_\_ favorably (\_\_\_\_\_) (\_\_\_\_\_)  
MAY 22 2005 Sent to Committee on (Calendars) (\_\_\_\_\_)  
\_\_\_\_\_  
Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)  
\_\_\_\_\_  
Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)  
by a vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting.  
\_\_\_\_\_  
Read third time (amended); finally passed (failed to pass) by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)  
\_\_\_\_\_  
Returned to Senate.  
\_\_\_\_\_  
Returned from House without amendment.  
\_\_\_\_\_  
Returned from House with \_\_\_\_\_ amendments.  
\_\_\_\_\_  
Concurred in House amendments by a viva voce vote \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

CHIEF CLERK OF THE HOUSE



\_\_\_\_\_ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

\_\_\_\_\_ Senate conferees instructed.

\_\_\_\_\_ Senate conferees appointed: \_\_\_\_\_, Chairman; \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_

\_\_\_\_\_ House granted Senate request. House conferees appointed: \_\_\_\_\_, Chairman;  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_ Conference Committee Report read and filed with the Secretary of the Senate.

\_\_\_\_\_ Conference Committee Report adopted on the part of the House by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

\_\_\_\_\_ Conference Committee Report adopted on the part of the Senate by:

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

**OTHER ACTION:**

\_\_\_\_\_ Recommitted to Conference Committee

\_\_\_\_\_ Conferees discharged.

\_\_\_\_\_ Conference Committee Report failed of adoption by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

05 MAY 21 AM 12:27  
HOUSE OF REPRESENTATIVES